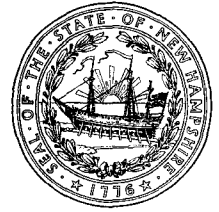




The State of New Hampshire  
***Department of Environmental Services***



**Michael P. Nolin**  
Commissioner

LETTER OF DEFICIENCY  
WD WQE 06 – 007  
August 30, 2006

McDonough Family Properties, LLC  
Michael J. McDonough, Registered Agent  
1567 Summer Street  
Bristol, New Hampshire 03222

RE: Sunapee Self Storage,  
Sunapee, New Hampshire  
Violations of RSA 485-A:17

Dear Mr. McDonough:

The Department of Environmental Services (“DES”) conducted inspections of your property on July 25, August 3 and 17, 2006 to determine compliance with RSA 485-A:17, Alteration of Terrain. The parcel located on Route 103, Sunapee, New Hampshire, is more particularly identified on Sunapee Tax Maps as Map 225, Lot 36 (“the Property”).

During the inspections DES personnel observed the following:

- a. The site was unstable. Slopes at the edge of the Property were steep and eroding;
- b. Erosion control measures were inadequate, and in need of replacement and/or maintenance;
- c. The mechanical infiltration system had blown out and was inoperative;
- d. Catch basins on the site were not properly protected, but were operational and sending sediment off-site (one catch basin was full of sediment); and,
- e. Sediment had left the site and 2 wetland areas off-site and the Sugar River had been impacted.

A review of DES records revealed that an “Alteration of Terrain” (Site Specific) permit application had not been submitted by McDonough Family Properties, LLC for the activities, described above, on the Property.

At the time of the July 25<sup>th</sup> inspection, the first concrete pad for the storage units was being poured.

At the time of the second inspection, on August 3<sup>rd</sup>, DES personnel met with Mark McDonough and representatives from Stevens & Son, the site contractor. DES informed Mr. McDonough that all construction activity should be discontinued and that only work necessary to stabilize the Property and control erosion on the Property should be performed.

The second concrete pad (for Building C) was poured on August 10<sup>th</sup>.

At the time of the August 17<sup>th</sup> inspection, construction materials for the storage units were on site.

In response to the above findings, you are requested to take the following action:

**1. Immediately discontinue all construction activity. Stabilize the Property** and install erosion control measures as necessary to protect surface water quality and prevent erosion; and, remove all sediment from drainage structures;

At a minimum, the following activities shall be completed **within 7 days** of the date of this Letter of Deficiency ("LOD"):

- a) Loam, seed, and mulch all unstabilized/unvegetated (or sparsely vegetated) areas; install erosion control matting on all slopes steeper than 3:1;
- b) Remove accumulated sediment from all swales;
- c) Install, reinstall or maintain all erosion control devices, as necessary.

**2. Within 10 days of the date of this LOD**, re-install the mechanical infiltration system.

**3. Within 20 days of the date of this LOD**, submit to DES an application for a Site Specific permit for the Property. The application shall be prepared by an engineer licensed in the State of New Hampshire, in accordance with Env-Ws 415.05, and should include a wetland delineation completed by a Certified Wetland Scientist (CWS).

**4. Within 20 days of the date of this LOD**, you are requested to submit a restoration plan, completed by a Certified Wetland Scientist (CWS), of unpermitted impacts to wetlands and surface water both on the Property and off site. Perform the required off-site assessments **only after obtaining approval from abutting property owners.**

DES believes that the cited deficiencies can be corrected within the time periods established within this LOD. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 485-A may result in enforcement by DES, including, but not limited to, the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties.

Submit your plans and reports to:

Ana Herrero  
Department of Environmental Services  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this Letter of Deficiency, please call me at (603) 271-3380.

Sincerely,

*Ana Ford Herrero*  
**COPY**

Ana Ford Herrero  
Compliance Specialist  
NH DES Site Specific

cc: Gretchen R. Hamel, DES Legal Unit Administrator  
James Martin, DES Public Information Officer  
Sunapee Conservation Commission

ec: Donna Nashawaty, Sunapee Town Manager  
Peter Blakeman, P.E., Blakeman Engineering Inc.  
Mark McDonough